

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:	:	Case No. 17-61982
	:	
Joseph A. Cipriani	:	Chapter 13
	:	
Debtor	:	Judge Russ Kendig
	:	
	:	OBJECTION TO THE
	:	DEBTOR'S AMENDED PLAN
	:	REQUEST FOR EXPEDITED
	:	NON-ORAL HEARING
	:	MOTION TO ENJOIN RE-FILING
	:	FOR 6 MONTHS

Richland Bank objects to the Debtor's Amended Plan for the same reason stated in its objection to the original plan: the Debtor's plan fails to pay the claim of Richland Bank in full within the life of the plan in equal monthly installments. This court's memorandum of opinion in this case states in part: "Thus he (Cipriani) must complete payment in full within the life of the plan." The stipulated amount of the debt with interest over the life of the plan would require net payments to Richland Bank of more than \$99,900.00 as shown in the footnote that makes simple estimates of accrued interest that are generously low in favor of the debtor.¹

¹ \$4,000 (estimated interest from 2-4-17 to 2-4-18); \$9,000 (estimated interest for the remaining 4 ½ years of the plan; \$1,100 (court costs in the state foreclosure action); (subtotal - \$13,100); \$86,800 (Judgment amount) for a total of \$99,900 net payments to Richland Bank required for a plan to be confirmed.

The debtor's amended plan proposes total payments to the Trustee of \$99,000.00 and estimated net payments to Richland Bank of \$53,823.86. The amended plan simply does not comply with this court's order and opinion of December 29, 2017. Debtor has not appealed this court's order, nor has he offered any reason why his amended plan should be excused from complying with what is now clearly the law of this case.

Richland Bank asks that this case be dismissed following a non-oral hearing for failure to file an amended plan that complies with this court's order. The debtor has thus far enjoyed the automatic relief from stay despite filing non-confirmable plans, as he awaits a hearing, he gets to live in his home without paying his first mortgage holder. Richland Bank asks that this case be dismissed, and that the debtor be enjoined from filing any new Chapter 13 case that does not conform to the court's opinion in this case. This relief is requested so that Richland Bank can complete its pending foreclosure action without being subjected to an automatic stay from a new but non-compliant Chapter 13 filing.

Respectfully submitted,

/s/ Eric S. Miller
ERIC S. MILLER (#0003166)
Attorney for Plaintiff
13 Park Avenue West, Ste. 608
Mansfield, Ohio 44902
Telephone: (419) 522-6262
Email: ericmiller@neo.rr.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Objection to the Debtor's Amended Plan Request for Expedited Non-Oral Hearing Motion to Enjoin Re-filing for 6 Months were served by e-mail and regular U.S. Mail, this 19th day of January, 2018 to the following at their last known address:

Joseph A. Cipriani
2026 Graham Road
Lexington, Ohio 44904

Ohio Homeowners Assistance LLC
88 E. Broad Street, Ste. 1800
Columbus, Ohio 43215

Via the Court's Electronic Case Filing system on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

R. Joshua Brown
32 Lutz Avenue
Lexington, Ohio 44904
via e-mail: bk.joshbrown@gmail.com

Toby L. Rosen
Toby L. Rosen, Trustee
400 W. Tuscarawas Street
Citizens Bank Bldg., 4th Floor
Canton, Ohio 44702
via e-mail: trosen@chapter13canton.com

_____/s/ Eric S. Miller
ERIC S. MILLER
Attorney for Plaintiff